IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1259 OF 2004

Dattatray Limba Jadhav .. Petitioner

Vs.

Suresh Nivrutti Jadhav and ors. .. Respondents

Ms. Gauri Godse for petitioner.
Mr. A.P. Kulkarni for respondent nos.1 to 4.

CORAM: B.H. MARLAPALLE, J.

Date : July 12, 2006.

P.C.:

1. Heard Ms. Godse the learned counsel for the petitioner. The respondents approached the Tahsildar, Mohol in RTS Case No. 5 of 1995 and requested the Tahsildar to enter their names as co-sharers/cultivators in respect of the agricultural land in Gat No.304 admeasuring about 10 hectares and located in village Bitle. After hearing the parties concerned, this application was allowed by the Tahsildar on 23/11/1995. However, the present petitioner's appeal came to be dismissed by the SDO. The petitioner, therefore, approached the Collector in RTS Appeal No.31 of 1986 and the said appeal was

allowed by the Additional Collector, Solapur on 5/9/1998. The respondents carried the said order in Revision Application under Section 257 of the M.L.R.C., 1966 before the Divisional Commissioner, Pune Division, Pune. The order passed by the Additional Collector has been set aside and the orders passed by the SDO and the Tahsildar have been confirmed.

2. The genealogy of the family indicates that Vithal Dhondi Jadhav was the grandfather of the petitioner as well as the respondents and the suit land was regranted to Vithal Dhondi Jadhav and Bhau Umaji Jadhav as per the respondents, whereas the petitioner claims that the land was regranted only in the name of their father Limba. The revenue authorities have considered that it was a joint family of Vithal Dhondi Jadhav and his two sons Limba and Nivrutti were not the members of separate family. The parties being the successors to Vithal Dhondi Jadhav, the Tahsildar as well as the SDO directed to enter the names of the respondents in the revenue records and this view has been approved by the Additional

Commissioner who rightly noted that if the present petitioner claimed that the respondents had no right in the said property, such an issue has to be decided by the competent court by considering the oral and documentary evidence and not by the revenue authorities.

3. Hence, the challenge raised in this petition is devoid of merits and, therefore, the petition is rejected summarily. Trial of the suit is expedited and the said suit will have to be considered on its own merits and as per law.

(B.H. Marlapalle,J.)